



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 44] नई दिल्ली, शुक्रवार, नवम्बर 7, 1986/कार्तिक 16, 1908
No. 44] NEW DELHI, FRIDAY, NOVEMBER 7, 1986/KARTIKA 16, 1908

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह जलन संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 7th
November, 1986:—

I
BILL NO. XXXIII OF 1986

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-seventh Year of the
Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1986.
2. In article 81 of the Constitution, the proviso to clause (3) shall be omitted.
3. In article 82 of the Constitution, the second and third provisos shall be omitted.
4. In article 170 of the Constitution,—
 - (a) in clause (2), the Explanation shall be omitted;
 - (b) in clause (3), the second and the third provisos shall be omitted.

Short
title.

Amend-
ment of
article 81.

Amend-
ment of
article 82.

Amend-
ment of
article 170.

STATEMENT OF OBJECTS AND REASONS

Under the Constitution, the representation of the Scheduled Castes and the Scheduled Tribes in the Legislature concerned is to correspond, as nearly as may be, to the proportion of their population with the total population in a Union territory, a State or the Union as the case may be.

The reservation as well as the delimitation of constituencies was to be based on the preceding census. But during the Emergency the representation of States and those of the Scheduled Castes and the Scheduled Tribes was frozen on the basis of 1971 census by the Constitution (Forty-Second Amendment) Act to "promote" family planning. This policy was rejected by the people in 1977. The results of the latest census show that the population of the Scheduled Castes and Scheduled Tribes has increased from 14.82 per cent to 15.71 per cent and 6.82 per cent to 7.76 per cent respectively. Because of migrations, the composition of the constituencies in States and Urban and rural areas has undergone a change. The freezing of delimitation and reservations for the Scheduled Castes and the Scheduled Tribes is a grave injustice.

This Bill seeks to amend the Constitution with a view to restoring the old position in regard to delimitation, etc.

SHARAD YADAV

II

BILL NO. XXXV OF 1986

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1986.

Short
title.

2. In paragraph 2 of the Tenth Schedule to the Constitution,—

Amend-
ment of
Tenth
Schedule.

(a) in the *Explanation* to sub-paragraph (1) sub-clause (ii) of clause (b) shall be omitted;

(b) for sub-paragraph (3) the following sub-paragraph shall be substituted, namely:—

“(3) A nominated member of a House who is not a member of any political party on the date of his nomination as such member, shall be disqualified for being a member of the House, if he joins any political party after such nomination.”.

STATEMENT OF OBJECTS AND REASONS

A member of a House nominated by the President of India, who is not a member of any political party on the date of his nomination, can, under sub-paragraph (3) of paragraph 2 of the Tenth Schedule to the Constitution, join any political party within six months from the date on which he takes his seat in the House. This is not in accordance with the spirit of the Constitution. The Constitution, therefore, needs to be amended to the effect that any person nominated by the President, if he is not already a member of any political party, must continue his independent status throughout his term of membership of the House.

This Bill seeks to achieve the aforesaid objective.

SATYA PRAKASH MALAVIYA

SUDARSHAN AGARWAL
Secretary-General.